

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|                               |   |   |
|-------------------------------|---|---|
| <b>MARY ALICE McPHERSON,</b>  | ) |   |
|                               | ) |   |
| <b>Petitioner,</b>            | ) |   |
| <b>vs.</b>                    | ) |   |
|                               | ) | <b>Case No. 16-cv-121-CJP<sup>1</sup></b> |
| <b>COMMISSIONER of SOCIAL</b> | ) |   |
| <b>SECURITY,</b>              | ) |   |
|                               | ) |   |
| <b>Respondent.</b>            | ) |   |

**MEMORANDUM and ORDER**

**PROUD, Magistrate Judge:**

Plaintiff Mary Alice McPherson filed a notice of voluntary dismissal pursuant to Fed.R.Civ.P. 41(a)(2). Because defendant has already filed an answer, plaintiff could not voluntarily dismiss without a court order pursuant to Rule 41(a)(1) unless she filed a stipulation signed by all parties. The notice did not specify whether plaintiff proposed a dismissal with or without prejudice. See, Doc. 20. Defendant filed a response indicating that she has no objection to this case being dismissed with prejudice. See, Doc. 22.

Wherefore the Court GRANTS plaintiff's notice of voluntary dismissal, Doc. 20, and dismisses this action WITH PREJUDICE.

The Clerk of Court shall close the file.

**IT IS SO ORDERED.**

**DATE: May 2, 2016.**

**s/ Clifford J. Proud  
CLIFFORD J. PROUD  
UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> This matter was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 14.